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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,933	09/25/2003	James S. Voss	200208344-1	2044

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EXAMINER

KHAN, USMAN A

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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03/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/670,933

Applicant(s)

VOSS ET AL.

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,13-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10,13-15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed in the Appeal Brief dated 12/07/2007, with respect to the rejection(s) of claim(s) 1, 7 – 10, 13—15, and 18 has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Since this is a new grounds of rejection, which was not necessitated because of an applicant amendment, this action is non-final.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

DETAILED ACTION

Claim Objection

Claims 7, 13, and 18 are objected to because of the following informalities: each of these dependent claims include "a **graphical** association designation". Throughout the specification only "an association designation" is discussed. The examiner in this office action will only consider the claims as including "an association designation" this interoperation may change after the reply of the applicant. Appropriate correction is required.

Claims 8, 9, and 14 are objected to because of the following informalities: each of these dependent claims include "an association designation". The claims from which

these claims depend already include "a **graphical** association designation" the examiner is unsure of if these association designation are the same since the specification does not mention "a **graphical** association designation". The examiner in this office action will only consider the claims as including "an association designation" this interoperation may change after the reply of the applicant. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 10 are rejected under 35 U.S.C. 102(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the document being used in the discussion below is the application as filed to rely to the pages and columns in the AAPA).

Regarding **claim 1**, AAPA teaches a method for associating an image with a video file (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. "described as "multi-mode" operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images"), the method comprising: creating a multi-mode image file by capturing sequences of relatively low-resolution images of an observed scene and capturing relatively high-resolution images of the

observed scene between the capturing of the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”); extracting one of the relatively high-resolution images from the multi-mode image file (page 2 lines 1 – 22; extracting a high-resolution image from the multi-mode image file); identifying **at least one of** a filename **or** a storage location of the multi-mode image file (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer); storing the extracted relatively high-resolution image as an independent image (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera is saved in some sort of memory); and storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer; this filename can be considered the indication metadata).

Regarding **claim 10**, AAPA teaches a system for associating an image with a video file (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”), the system comprising: means for identifying **at least one of** a separate still image file a filename **or** a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”); and means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a

filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer; this filename can be considered the indication metadata).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the document being used in the discussion below is the application as filed to rely to the pages and columns in the AAPA) in further view of Examiners Official Notice.

Regarding **claim 15**, AAPA teaches a system, the system comprising: logic configured to identify **at least one of** a filename **or** a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed

scene that were captured between the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”); and logic configured to store an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera will have a filename associated with it i.e. JPEG, BMP, etc. or any actual filename before the file extension given to an image by the user or computer; this filename can be considered the indication metadata).

However, AAPA fails to teach that the system is stored on a computer-readable medium.

The examiner takes Official Notice that it is old and well known in the art that camera systems have some sort of computer-readable medium such as a CPU with ROM/RAM/ or some other sort of internal memory.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a internal computer-readable medium for operation of the camera system and/or buffering and/or saving of images.

Claims 7 – 9 and 13 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the

document being used in the discussion below is the application as filed to rely to the pages and columns in the AAPA) in further view of Suzuki et al. (US PgPub 2001/0015762).

Regarding **claim 7**, as mentioned above in the discussion of claim 1, AAPA teaches all of the limitations of the parent claim.

However, AAPA fails to teach a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file. Suzuki et al., on the other hand teaches an association designation to how a group of images taken are related using icons.

More specifically, Suzuki et al. teaches an association designation to how a group of images taken are related using icons (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the teachings of AAPA because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Regarding **claim 8**, as mentioned above in the discussion of claim 7, AAPA in further view of Suzuki et al. teaches all of the limitations of the parent claim.

Additionally, Suzuki et al. teaches an association designation comprises adding an icon that is visible when the image of the still image file is viewed (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce an association designation comprises adding an icon that is visible when the image of the separate still image file is viewed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the teachings of AAPA because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Regarding **claim 9**, as mentioned above in the discussion of claim 7, AAPA in further view of Suzuki et al. teaches all of the limitations of the parent claim.

Additionally, Suzuki et al. teaches an association designation comprises adding an indicator to the filename of the still image file (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce an association designation comprises adding an indicator to the filename of the separate still image file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the teachings of AAPA because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Regarding **claim 13**, as mentioned above in the discussion of claim 10, AAPA teaches all of the limitations of the parent claim.

However, AAPA fails to teach means for adding a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file. Suzuki et al., on the other hand teaches an association designation to how a group of images taken are related using icons.

More specifically, Suzuki et al. teaches an association designation to how a group of images taken are related using icons (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce means for adding a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the

teachings of AAPA because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Regarding **claim 14**, as mentioned above in the discussion of claim 13, AAPA in further view of Suzuki et al. teaches all of the limitations of the parent claim.

Additionally, Suzuki et al. teaches an association designation comprise **at least one of** means for adding an icon that is visible when the image of the still image file is viewed **and** means for adding an indicator to the filename of the still image file (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce an association designation comprise **at least one of** means for adding an icon that is visible when the image of the separate still image file is viewed **and** means for adding an indicator to the filename of the separate still image file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the teachings of AAPA because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the document being used in

the discussion below is the application as filed to rely to the pages and columns in the AAPA), in further view of Examiners Official Notice, and in further view of Suzuki et al. (US PgPub 2001/0015762).

However, AAPA in further view of Examiners Official Notice fails to teach logic configured to add an a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file, the association designation comprising at least one of an icon that is visible when the image of the separate still image file is viewed and an indicator to the filename of the separate still image file. Suzuki et al., on the other hand teaches an association designation to how a group of images taken are related using icons.

More specifically, Suzuki et al. teaches an association designation to how a group of images taken are related using icons (figure 3, 7, 9, and 11 - 18 and paragraph 0017 et seq. multiple screens displaying image and image data that associates the image using icons). The invention of Suzuki et al. when combined with AAPA will produce logic configured to add an a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file, the association designation comprising at least one of an icon that is visible when the image of the separate still image file is viewed and an indicator to the filename of the separate still image file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suzuki et al. with the teachings of AAPA in further view of Examiners Official Notice because Suzuki et al. teaches paragraphs 0013 – 0025 that the invention will produce a improved way of associating images to image data and easily allowing a user to find images and associating image data to that image.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Habuta et al. (US PgPub 2003/0151767) teaches associating images and a single image taken from these images using icons.

Kobayashi et al. (US PgPub 2002/0191079) teaches associating images and a single image taken from these images using icons.

Konno et al. (US PgPub 2003/0023347) teaches associating images and a single image taken from these images using icons.

Kunishige (US patent No. 6,092,023) teaches associating images and a single image taken from these images using icons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-

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1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or
Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Usman Khan
02/25/2008
Patent Examiner
Art Unit 2622



DAVID OMETZ
SUPERVISORY PATENT EXAMINER